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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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1–19 July 2019
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the eighth periodic report of the Democratic Republic of the Congo

Legislative framework

1. The report includes references to the adoption of Act No. 15/013 of 1 August 2015, on means of giving effect to women's rights and gender parity, known as the Parity Act, and Act No. 16/008 of 15 July 2016, amending and supplementing Act No. 87 010 of 1 August 1987 (CEDAW/C/COD/8, paras. 1–2).[1] Please explain what measures the State party has put in place to disseminate and fully implement the Family Code and other laws. Please also explain the structures that allow the implementation of the Parity Act. In addition, please indicate when the State party intends to establish and operationalize the Interministerial Committee and the National Gender Equality Council mechanisms as provided for in the Parity Act.

National machinery for the advancement of women

2. Efforts by the State party to provide resources for the realization of women's rights are mentioned in the report (para. 92). Please describe the measures taken to implement the national gender policy and its plan of action, as well as the action plan to combat sexual violence and other forms of gender-based violence, including budgets and public funds allocated for this purpose. Please provide details on the budgets and public funds allocated to the Ministry of Gender, Family and Children's Affairs, as well as the national agencies for the promotion of women's rights attached to the Ministry, in particular the Agency to Combat Violence against Women and Girls and the National Fund for the Advancement of Women and the Protection of Children. Please also describe the specific results of the public campaigns on violence against women and trafficking in women and girls, including those achieved through the appointment of the Special Adviser to the Head of State on the Prevention of Sexual

[1] Unless otherwise indicated, paragraph numbers refer to the eighth periodic report of the State party.

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Violence and Child Recruitment. Please also provide information on the existence of a national human rights institution and the types of human rights protection services available to citizens, including women.

Women and peace and security

3. The Committee takes note of the adoption of the second-generation national action plan for the implementation of Security Council resolution 1325 (2000) for the period 2018–2022 and of the structures for its operationalization (para. 68). Please provide information on the budget allocated for the implementation of the plan, the inclusion of women in decision-making and peacebuilding processes and their increased representation in institutions and mechanisms for the prevention, management and resolution of conflicts, including in the response to and management of humanitarian situations. Please indicate how the State party will support programmes focused on women and peace and security that include capacity-building for women and women's organizations and ensure the full participation of women in peace processes, coordination arrangements, civil society consultations and the monitoring and evaluation of peace agreements.

4. The Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, which is aimed at producing lasting peace in the region by calling for national, regional and international measures, was signed in February 2013 by 11 African States. Please explain what steps have been taken to ensure the inclusion of women's organizations in its implementation. The establishment in 2014 of the Women's Platform for the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region is noted in the report (para. 75). Please provide information on the results of this initiative.

Access to justice

5. The State party indicates that it continues to reform the judiciary (para. 84). Please provide information on how the reform contributes to ensuring unrestricted access to judicial and other remedies for women in all areas of law and to preventing impunity, in line with the Committee's general recommendation No. 33 (2015) on women's access to justice.

6. Please indicate steps taken by the State party to ensure that victims have full access to justice mechanisms, reparations and compensation, including protection for victims and witnesses, financial support for prosecutions, legal knowledge of victims' rights and the physical proximity of courts and prosecutors' offices. Please explain the mechanisms available to guarantee that citizens have access to information and to ensure the availability of reliable data to create public awareness.

Temporary special measures

7. Please explain the outcome of the initiatives to accelerate the achievement of substantive equality for women and men (paras. 5–7). Please also provide information on temporary special measures taken to accelerate the equal participation of women in political and public life and other sectors.

Discriminatory gender stereotypes and harmful practices

8. The State party indicates that it has conducted several studies to identify the root causes of prejudices and stereotypes (para. 11). Please provide information on the key findings of the studies, the measures taken to prevent and eliminate prejudices and stereotypes, the stakeholders involved and the results obtained. The State party also mentions that strategies to end stereotypes in the education sector have been put in place (para. 12). Please provide information on the results achieved by adopting

these strategies, as well as measures taken to eliminate harmful practices, such as female genital mutilation, early marriage and levirate marriage, in all regions of the State party.

Gender-based violence against women

9. Please indicate the technical and financial measures that have been provided to ensure the effective implementation of the law on sexual violence of 2006, the national strategy against gender-based violence of 2009 and the zero-tolerance policy. Please indicate how many cases of violence against women have been registered and prosecuted and how many women have been awarded compensation. Please explain what measures are being taken to prosecute perpetrators of gender-based violence, especially in the security sector, to follow up on the implementation of court decisions and to allow indigent civil parties to have access to legal representation free of charge.

10. Please explain what long-term strategies the State party has envisaged to tackle domestic violence against women and the impunity of perpetrators. For example, please indicate whether it envisages the adoption of specific legislation to explicitly criminalize domestic violence and recognize marital rape as a separate crime in order to ensure the proper implementation of redress efforts. Please provide statistics on the number of complaints of and prosecutions for domestic violence on the basis of the statutory provisions of the Criminal Code and the law on the repression of sexual violence (Act No. 06/018 of 20 July 2006 amending and supplementing the Criminal Code). Please indicate any measures taken by the State party to ensure appropriate care for women who are victims of domestic violence, including the creation of shelters and counselling and rehabilitation services. Please also indicate what actions have been taken, in line with the Convention, to educate and inform the public, including traditional leaders, teachers, judges, defence and law enforcement forces, political figures and boys and men in particular, about the social impact and consequences of domestic violence in order to make such violence an unacceptable violation of human rights.

Gender-based violence against women in conflict

11. Please indicate the budgets allocated to the action plans against sexual violence of the armed forces and the national police, as well as the monitoring mechanisms in place for their implementation. Please provide information on the systems in place to track progress in efforts to combat impunity for sexual violence perpetrated by members of the armed forces and national police officers. Please also indicate how many court-ordered judgments issued for reparation or compensation have yet to be paid to women and girls for crimes committed by State and non-State agents and the current plans of the Government to pay any outstanding judgments and remove barriers preventing women and girls from exercising their right to reparation.

12. With regard to protecting victims and witnesses of sexual violence, please provide up-to-date information on measures taken, in particular legislative measures to ensure the formal protection of women human rights defenders and enable women and girls to provide testimony in criminal matters to the national authorities in safety and security. Please describe any protection guarantees. Please indicate what measures are planned to ensure that safe and timely assistance, including medical and livelihood support, is available to victims of sexual violence living outside the main towns. Given that conflict-related sexual violence remains a critical issue of concern in eastern and central areas of the Democratic Republic of the Congo, please indicate how the State party will ensure that the prevention of sexual violence is accorded priority in the next national gender-based violence strategy and in the revised national action plans for the implementation of Security Council resolution 1325 (2000).

13. Please provide information on the efforts being made to control the circulation of small arms and light weapons, advance the normative framework thereon and regulate their trade, in line with General Assembly resolution 71/48 on the illicit trade in small arms and light weapons in all its aspects. Please also indicate the ratification schedule for the Act on the Prevention, Control and Reduction of Small Arms and Light Weapons and Their Ammunition, adopted by the Senate on 3 December 2013, the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly, signed in 2010, and the Arms Trade Treaty. Please explain how women's organizations are included in decision-making, planning and implementation efforts relating to control measures for small arms and light weapons.

Trafficking and exploitation of prostitution

14. The report includes information about the establishment of a national committee against trafficking in persons and the smuggling of migrants within the Ministry of the Interior, the existence of an action plan to combat trafficking in persons and the organization of public awareness campaigns, while a draft bill on such trafficking has also been drawn up (para. 13). Please describe the status of the draft bill and provide information on the prevalence of such trafficking and the exploitation of prostitution of women and girls, indicating trends and patterns, as well as data on the number of investigations, prosecutions, convictions and sentences imposed on perpetrators. Please also describe the protection services available and reparations provided to victims and give information on the social services and exit programmes available to women who wish to leave prostitution and the measures taken to reduce demand for prostitution.

Participation in political and public life

15. The Committee takes notes of the law on the organization of presidential, legislative, provincial, urban, municipal and local elections (Act No. 17/013 of 24 December 2017 amending and supplementing Act No. 06/006 of 9 March 2006). Please indicate whether the State party intends to amend that law, specifically article 13 (3) thereof, to make gender parity on the electoral lists of political parties binding and, if it does, how this requirement will be implemented. Please indicate how the State party implements its obligations under article 4 of the Convention, which states that temporary special measures to accelerate the establishment of de facto equality between men and women are not considered to be an act of discrimination, in the light of the decision of the Constitutional Court of 24 January 2014 that quotas for the representation of women in political and administrative fields are unconstitutional. Please provide information on the implementation of article 3 (5) of Act No. 08/005 of 10 June 2008 on the financing of political parties, which stipulates the conditions for access to public funding for parties that apply parity in the establishment of their electoral lists.

16. Please respond to the allegations of the arbitrary detention and torture, including sexual torture, by State actors of women, including but not limited to those targeted for their own or others' involvement in political or human rights activism, and indicate whether there are investigations into such allegations going on. In addition, please provide information on prolonged and unexplained detentions and indicate any procedures or guidelines on administrative detention, arrests or imprisonment, and whether there is any compensation or redress for wrongful detention. Please explain how the State party intends to ensure that the bill to protect human rights defenders currently pending in Parliament fully complies with relevant regional and international norms and standards, including the Declaration on the Right and

Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

Education

17. It is stated that the gender parity index for girls and boys for the gross enrolment ratio for primary education is 1.90 (para. 26). Please provide information on the index for secondary and tertiary education and on educational attainment levels for girls and boys. Please describe the measures taken to increase access by women and girls to secondary and tertiary education and to tackle discrimination relating to pregnancy and gender-based violence, in particular sexual violence, faced by students in educational environments. Please provide up-to-date information on the State party's expenditure on education for the preceding years, disaggregated by sex. Please also describe the measures taken to implement mechanisms for reporting sexual exploitation in schools, as well as measures to educate the public about girls' rights at school.

Employment

18. Please indicate what measures are being taken to facilitate women's access to employment and credit and to enhance opportunities for women to enter the formal employment sector and to eliminate the gender pay gap in both the public and private sectors. Please explain what measures are available to guarantee or facilitate access by women, especially those working in the informal sector, to legal protection and social security. Please explain how the State party will implement and control the application of article 28 of the Mining Code on the prohibition of trade in, or exploitation of, mining products from a site at which a violation of human rights, including women's rights, has been established by a competent authority.

Health

19. The Committee takes note of the ratification of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Please indicate the measures taken to implement the Protocol. Please also indicate the measures taken to decriminalize abortion, the prevalence of which is estimated at 30 per cent and which is one of the key causes of maternal mortality. Given that it is mentioned that the national reproductive health programme is operational (para. 34), please provide information on its impact on the health of women and girls.

Rural women

20. It is mentioned that women are very active in the agricultural sector but do not own the means of production, such as land (para. 39). Please indicate what steps the State party has taken to allocate sufficient funds for initiatives that promote access to land and inheritance for women and ensure the overall legal protection of women's economic rights, such as the reform of inheritance laws and the training of local chiefs and land distributors on the importance of land rights for women. The State party also mentions that it takes into account gender-specific needs in all development programmes (para. 44). Please explain how this has improved poverty levels for women. Please also provide information on the steps taken to ensure that rural women have better access to social security benefits, health services, education, electricity and income-generating opportunities, including access to markets.

21. It is stated that an annual multi-stakeholder round table is held, which addresses gender mainstreaming in community forestry (para. 46). Please indicate which communities have specific gender programmes on community forestry.

Marriage and family relations

22. The Committee takes note of Act No. 016/008 of 15 July 2016 amending and supplementing Act No. 010 of 1 August 1987 on the Family Code, which prohibits polygamy and early marriage. It also takes note of the action plan to end child marriage (para. 57). Please state whether this effort has reduced the prevalence of child marriage. Please indicate steps being taken by the State party to make traditional leaders aware of the importance of eliminating discriminatory practices such as early marriage, polygamy and levirate marriage.